

*All communications respecting this case should identify it by number and names of parties.*



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**PAT. & T.M. OFFICE  
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**Applicants: Bouchard et al.  
Serial No.: 08/162,984  
Filed: December 8, 1993  
For: NEW TAXOIDS, THEIR  
PREPARATION AND  
PHARMACEUTICAL COMPOSITION  
CONTAINING THEM  
Accorded benefit of: France 92 14813,  
filed December 9, 1992**

The case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR 1.601 et seq., as amended. See Notice of Final Rule, 60 Fed. Reg. 14488 (March 17, 1995), corrections printed in 60 Fed. Reg. 16920 (April 3, 1995). See also 1173 O.G. 384 (April 18, 1995). The interference is designated as No. 104,491.

By direction of the Commissioner of Patents and Trademarks and as required by 35 U.S.C. § 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

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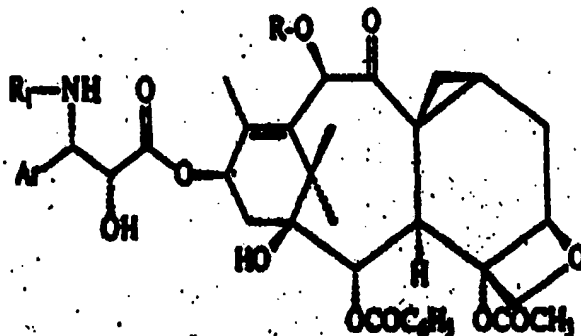
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**REDECLARATION**

Pursuant to the decision rendered in Paper No. 227, this interference is redeclared from a three party interference to a two party interference.<sup>1</sup> The counts in this interference read as follows:

**Count 4**

[Bouchard] A taxoid of the formula:



<sup>1</sup>Simultaneously with this redeclaration notice which drops party Hester et al. from this interference, the undersigned APJ has declared two new interferences, Int. No. 104,490 (Chen et al. v. Hester et al.) and Int. No. 104,491 (Hester et al. v. Bouchard et al.).

in which

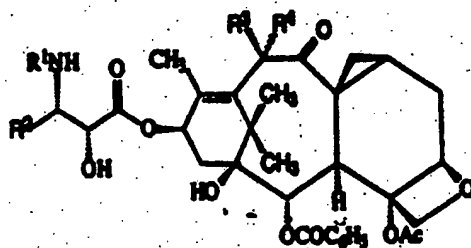
R represents hydrogen or acetyl,

R<sub>1</sub> represents benzoyl or R<sub>2</sub>-O-CO- in which R<sub>2</sub> represents t-butyl, and

Ar represents phenyl or  $\alpha$ - or  $\beta$ -naphthyl, said phenyl or naphthyl being unsubstituted or substituted by C<sub>1-4</sub> alkyl, C<sub>1-4</sub> alkoxy, halogen, or CF<sub>3</sub>, or Ar represents 2- or 3-thienyl or 2- or 3-furyl, said thienyl or furyl being unsubstituted or substituted by halogen,

OR

[Chen] A compound of the formula



in which

R<sub>1</sub> or -COR<sup>2</sup> in which R<sup>2</sup> is t-butyloxy, C<sub>1-6</sub> alkyl, C<sub>2-6</sub> alkenyl, C<sub>2-6</sub> alkynyl, C<sub>3-6</sub> cycloalkyl, or phenyl, optionally substituted with one to three same or different C<sub>1-6</sub> alkyl, C<sub>1-6</sub> alkoxy, halogen or -CF<sub>3</sub> groups;

R<sup>2</sup> is C<sub>1-6</sub> alkyl, C<sub>1-6</sub> alkenyl, C<sub>2-6</sub> alkynyl, C<sub>3-6</sub> cycloalkyl, or a radical of the formula -W-R<sup>x</sup> in which W is a bond, C<sub>2-6</sub> alkenediyl, or (CH<sub>2</sub>)<sub>t</sub>-, in which t is one to six; and R<sup>x</sup> is naphthyl, furyl, thienyl or phenyl, and furthermore R<sup>x</sup> can be optionally substituted with one to three same or different C<sub>1-6</sub> alkyl, C<sub>1-6</sub> alkoxy, halogen or -CF<sub>3</sub> groups; and

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$R^3$  OCOR, -OCOOR, H, OH;  $R^4$  is hydrogen; or  $R^3$  and  $R^4$  jointly form a carbonyl group; and R is  $C_{1-6}$  alkyl.

The parties claims corresponding to count 1 is:

Chen et al. : claims 1-6, 8 and 9

Bouchard et al. : claim 140

**Count 2**

4 $\alpha$ -10 $\beta$ -diacetoxy-2 $\alpha$ -benzoyloxy-5 $\beta$ ,20-epoxy-1 $\beta$ -hydroxy-7 $\beta$ , 8 $\beta$ -methylene-9-oxo-19-nor-11-taxen-13 $\alpha$ -yl(2R,3S)-3-tert-butoxycarbonylamino-2-hydroxy-3-phenylpropionate

OR

N-debenzoyl-N-t-butoxycarbonyl-7-deoxy-8-desmethyl-7,8-cycloproptaxol.

The parties claims corresponding to the count 2 is:

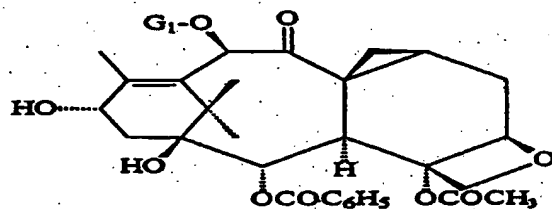
Chen et al. : claims 7-9

Bouchard et al. : claim 142

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**Count 3A**

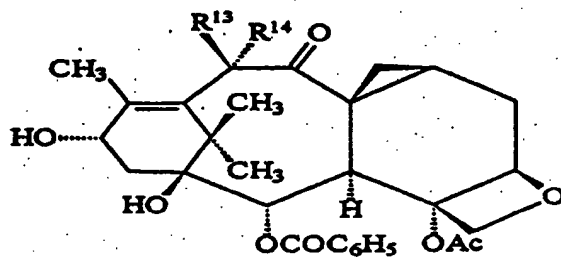
A taxoid of the formula:



in which G<sub>1</sub> represents hydrogen or acetyl,

OR

A compound of the formula:



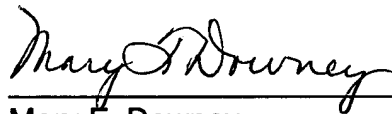
In which R<sup>13</sup> is hydrogen, acetyloxy or hydroxy; R<sup>14</sup> is hydrogen; or R<sup>13</sup> and R<sup>14</sup> jointly form a carbonyl group.

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The parties claims corresponding to count 3 is:

Chen et al. : claims 10 and 11

Bouchard et al. : claim 141

A handwritten signature in cursive script, reading "Mary F. Downey", written in black ink.

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Mary F. Downey  
Administrative Patent Judge

MFD:caw

Application 08/162,984

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